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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,127	12/20/2001	Heather A. Sorebo	KCX-496(17718)	2740
7590 05/03/2005				
STEPHEN E. BONDURA Dority & Manning, Attorneys at Law, P.A. P.O. Box 1449 Greenville, SC 29602			EXAMINER ANDERSON, CATHARINE L	
			ART UNIT 3761	PAPER NUMBER

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,127

Applicant(s)

SOREBO ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 April 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-13 are rejected under 35 U.S.C. 102(b) as anticipated by Stoddard et al. (5,222,600).

Stoddard discloses an absorbent article package, as shown in figure 1, comprising a cleaning pad, as described in column 3, line 63, which is an absorbent article, and a wrapper material. The wrapper material 10 is configured into a pouch having a front surface and a back surface, closed bottom 16 and sides 12 and 14, and an open top 18, as shown in figures 1 and 2. A panel 20 is disposed across the back surface, as shown in figure 2, the panel 20 having a top edge opposite the top edge of

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the front surface, and a bottom edge. The side edges 34 and 36 of the panel 20 are sealed to the pouch sides so as to form flattened longitudinally extending sealed portions. The panel 20 has a length of less than half the length of the back surface, as shown in figure 1. The panel 20 is pulled over the open top 18 to seal the open top 18 by a single material layer, as shown in figure 4. The panel 20 is pulled back over the open top 18 to unseal the pouch.

With respect to claim 2, the panel 20 is formed of the wrapper material and contiguous with the back surface, as shown in figure 2.

With respect to claim 3, the wrapper material comprises a continuous strip of material defining the front and back surfaces and the panel, as shown in figure 2.

With respect to claim 4, the pouch sides 11 and 12 are sealed, and the sides of the panel 20 are sealed to the pouch sides 11 and 12, as disclosed in column 3, lines 31-36.

With respect to claim 6, the wrapper material comprises a liquid impervious film layer, as disclosed in column 3, lines 1-3.

With respect to claim 7, the wrapper material comprises a laminate of film and nonwoven, as disclosed in column 3, lines 1-5.

With respect to claim 8, the open top 18 is defined by aligned ends of the back surface and the front surface, as shown in figure 1.

With respect to claim 9, Stoddard discloses a wrapper material configured into a pouch 10 having an open top 18, as shown in figure 1, having an absorbent article, a cleaning pad, carried therein. A portion 20 of the wrapper material is folded at a fold

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axis coextensive with the open top 18 so as to extend along a back surface of the pouch, as shown in figure 2. The pouch is closed upon positioning the single material layer of the portion 20, as shown in figure 4. The sides 34 and 36 of the portion 20 are bonded to the sides 11 and 12 of the pouch to form flattened longitudinally extending sealed portions, as disclosed in column 3, lines 31-36, and the bottom edge of the portion 20 is unbonded to the back surface between bonded sides 34 and 36, as shown in figure 2.

With respect to claim 10, the portion 20 extends less than half way down the back surface, as shown in figure 1.

With respect to claim 11, the pouch has a closed bottom defined by fold 16, as shown in figure 2.

With respect to claim 12, the pouch has sealed sides 11 and 12 defined by bonded sides of the wrapper material extending from the fold 16 to the open top 18, as shown in figure 1.

With respect to claim 13, the instant claim is drawn to a product of manufacture. The pouch of Stoddard discloses the identical structure of the instant invention, and functions in an identical fashion to the instant invention. The pouch of Stoddard therefore fulfills all limitations of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoddard et al. (5,222,600).

Stoddard discloses all aspects of the claimed invention with the exception of the panel extending one-third of the way down the back surface. Stoddard shows the panel extending about one-fourth of the way down the back surface. It would have been an obvious matter of design choice to extend the panel of Stoddard one-third of the way down the back surface, since the applicant has not shown that extending the panel one-third of the way solves any stated problem or serves any particular purpose, and it appears the pouch would function equally well with the panel extending one-third or one-fourth of the way down the back surface.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izzo (4,493,713) in view of Stoddard et al. (5,222,600).

Izzo discloses all aspects of the claimed invention with the exception of the panel having side edges sealed to the pouch sides. Izzo discloses an absorbent article package 10 holding an absorbent article 42, as shown in figure 3. The package 10 comprises a wrapper material 16 configured into a pouch 40 having front and back surfaces 26 and 32, a closed bottom 24 and sides 28 and 30, and an open top, as shown in figures 2 and 3. A panel 36 is disposed across the back surface 26, as shown in figure 2, having a top edge contiguous with the open top and a bottom edge.

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Stoddard discloses an absorbent article package, as shown in figure 1, comprising a cleaning pad, as described in column 3, line 63, which is an absorbent article, and a wrapper material. The wrapper material 10 is configured into a pouch having a front surface and a back surface, closed bottom 16 and sides 12 and 14, and an open top 18, as shown in figures 1 and 2. A panel 20 is disposed across the back surface, as shown in figure 2, the panel 20 having a top edge opposite the top edge of the front surface, and a bottom edge. The side edges 34 and 36 of the panel 20 are sealed to the pouch sides so as to form flattened longitudinally extending sealed portions. The panel 20 has a length of less than half the length of the back surface, as shown in figure 1. The panel 20 is pulled over the open top 18 to seal the open top 18 by a single material layer, as shown in figure 4. The panel 20 is pulled back over the open top 18 to unseal the pouch. The pouch disclosed by Stoddard comprising the panel provides ease of use and the ability to open and re-use the pouch.

It would therefore have been obvious to one of ordinary skill in the art at the time of invention to construct the pouch of Izzo with the panel closure taught by Stoddard to provide ease of use and the ability to open and re-use the pouch.

With respect to claim 2, the panel 20 is formed of the wrapper material and contiguous with the back surface, as shown in figure 2.

With respect to claim 3, the wrapper material comprises a continuous strip of material defining the front and back surfaces and the panel, as shown in figure 2.

With respect to claim 4, the pouch sides 11 and 12 are sealed, and the sides of the panel 20 are sealed to the pouch sides 11 and 12, as disclosed in column 3, lines 31-36.

With respect to claim 5, it would have been an obvious matter of design choice to extend the panel of Stoddard one-third of the way down the back surface, since the applicant has not shown that extending the panel one-third of the way solves any stated problem or serves any particular purpose, and it appears the pouch would function equally well with the panel extending one-third or one-fourth of the way down the back surface.

With respect to claim 6, the wrapper material comprises a liquid impervious film layer, as disclosed in column 3, lines 1-3.

With respect to claim 7, the wrapper material comprises a laminate of film and nonwoven, as disclosed in column 3, lines 1-5.

With respect to claim 8, the open top 18 is defined by aligned ends of the back surface and the front surface, as shown in figure 1.

With respect to claim 8, the open top 18 is defined by aligned ends of the back surface and the front surface, as shown in figure 1.

With respect to claim 9, Stoddard discloses a wrapper material configured into a pouch 10 having an open top 18, as shown in figure 1, having an absorbent article, a cleaning pad, carried therein. A portion 20 of the wrapper material is folded at a fold axis coextensive with the open top 18 so as to extend along a back surface of the pouch, as shown in figure 2. The pouch is closed upon positioning the single material

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layer of the portion 20, as shown in figure 4. The sides 34 and 36 of the portion 20 are bonded to the sides 11 and 12 of the pouch to form flattened longitudinally extending sealed portions, as disclosed in column 3, lines 31-36, and the bottom edge of the portion 20 is unbonded to the back surface between bonded sides 34 and 36, as shown in figure 2.

With respect to claim 10, the portion 20 extends less than half way down the back surface, as shown in figure 1.

With respect to claim 11, the pouch has a closed bottom defined by fold 16, as shown in figure 2.

With respect to claim 12, the pouch has sealed sides 11 and 12 defined by bonded sides of the wrapper material extending from the fold 16 to the open top 18, as shown in figure 1.

With respect to claim 13, the instant claim is drawn to a product of manufacture. The pouch of Stoddard discloses the identical structure of the instant invention, and functions in an identical fashion to the instant invention. The pouch of Stoddard therefore fulfills all limitations of the claim.

Response to Arguments

Applicant's arguments filed 18 April 2005, with respect to the rejection(s) of claim(s) 1-13 in view of Hoeppner have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stoddard.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 28, 2005

Larry I. Schwartz

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